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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,829

10/19/2001

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2577

28075 7590 02/22/2008
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EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/027,829
Filing Date: October 19, 2001
Appellant(s): TUFTE, BRIAN N.

Brian N. Tufte
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/28/2007 appealing from the Office action mailed 07/24/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Episcopal Relief and Development; Projects for Hope
(the Internet printout) Oct. 17, 2000

US 2002/0095306 A1 Smith et al. Jul. 18, 2002

1999 National Honorees; Complete List of Make a Difference Day Awards
(the Internet printout) Oct. 24, 1998

US 2002/0013739 A1 O'Donnell et al. Jan. 31, 2002

US 6,876,971 B1 Burke Apr. 5, 2005

US 2002/0120539 A1 Price Aug. 29, 2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 and 20-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 10 recites: "*A method according to claim 1 wherein the delivery lot includes cash or a cash equivalent.*" Specification does not provide any indication of "cash equivalent".

Claim 20 recites: "*receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to any particular delivery lot.*". Specification does not provide any support for this feature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Episcopal Relief and Development; Projects for Hope in view of Smith et al.

Independent Claims

Claims 1 and 24.

Episcopal Relief and Development; Projects for Hope (Project for Hope) (10/17/2000) appears to teach a Web site wherein a plurality of contributors can make a donation including goods or services to individuals or organizations (Pages 1-4; See

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examiner's numeration on the top of each page). Specifically, Project for Hope presents a list of delivery lots (projects), each delivery lot (project) includes description of goods of services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project) (Pages 1-4). Furthermore, Project for Hope provides means for receiving donations from contributors, and means for assigning the donation to the selected by the contributor delivery lot (project) (Pages 7 and 9).

While Project for Hope teaches a "COMPLETED" status of a project (Page 2) thereby indicating a *completion* of the project as well as *reporting* step, Project for Hope does not explicitly teach *delivering said delivery lot of goods*; and that said *reporting* step includes *obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot*; and *providing the location of the delivery lot to the contributor at one or more points in time*.

Smith teaches a method for tracking of the delivery of items, including:

obtaining the location of the delivery lot of goods (a physical object of all type) at one or more points in time; providing the location information of the delivery lot to the contributor (sender) [0009]; [0018]; [0019]; [0050].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include *delivering said delivery lot*; and that said *reporting* step includes *obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot*; and *providing the location of the delivery lot to the contributor at one or more points in time*, as disclosed in Smith, because it would advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere, as specifically stated in Smith.

Claim 20. Projects for Hope appears to teach a Web site wherein a plurality of contributors can make donations including goods or services to individuals or organizations (Pages 1-4), wherein the donations are not initially designated as corresponding to any particular delivery lot (Page 7, Please use my donation for: Area of greatest need). Specifically, Project for Hope presents a list of delivery lots (projects),

each delivery lot (project) includes description of goods of services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project) (Pages 1-4). Furthermore, Project for Hope provides means for receiving donations from contributors, and means for assigning the donation to the selected by the contributor delivery lot (project) (Pages 7 and 9).

While Project for Hope teaches a "COMPLETED" status of a project (Page 2) thereby indicating a *completion* of the project as well as *reporting* step, Project for Hope does not explicitly teach *delivering said delivery lot of goods*; and that said *reporting* step includes *obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot*; and *providing the location of the delivery lot to the contributor at one or more points in time*.

Smith teaches a method for tracking of the delivery of items, including:
obtaining the location of the delivery lot of goods (a physical object of all type) at one or more points in time; providing the location information of the delivery lot to the contributor (sender) [0009]; [0018]; [0019]; [0050].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include *delivering said delivery lot*; and that said *reporting* step includes *obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot*; and *providing the location of the delivery lot to the contributor at one or more points in time*, as disclosed in Smith, because it would advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere, as specifically stated in Smith.

Claim 25.

Project for Hope appears to teach a Web site wherein a plurality of contributors can make a donation including goods and/or services to individuals or organizations (Pages 1-4). Specifically, Project for Hope presents a list of delivery lots (projects), each delivery lot (project) includes description of goods of services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project) (Pages 1-4),

and discloses means for assigning selected donations to a common delivery lot (project) for delivery to an ultimate destination (Pages 7 and 9).

However, while Project for Hope indicates a "COMPLETED" status of a project (Page 2) thereby indicating a *reporting* step, Project for Hope does not explicitly teach that said *reporting* step includes *reporting information relating to the delivery of said delivery lot to contributors*.

Smith teaches a method for tracking delivery items, including:

providing the location information of the delivery lot to the contributor (sender) [0009]; [0018]; [0019].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include that said *reporting* step includes *reporting information relating to the delivery of said delivery lot to contributors*, as disclosed in Smith, because it would advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere, as specifically stated in Smith.

Dependent Claims

Furthermore, Project for Hope teaches:

Claims 2. Providing a Web site wherein a plurality of contributors can make a donation (Page 9), thereby indicating the step of receiving information related to the donation via the Internet.

Claim 3. Receiving a contributor's name (Page 7).

Claim 4. Receiving a contributor's payment information (Page 9).

Claim 5. Receiving information related to the donation via the Internet wherein the information includes a donation preference (type of project) (Page 9).

Claim 6. Receiving information regarding donations via the phone (Page 6).

Claim 7. Said method as in Claim 1 wherein the receiving step includes receiving information via email (Page 7).

Claim 8. Said method for delivering donations wherein said donations include food (Page 2, project PH0010 in South India).

Claim 9. Said method for delivering donations wherein said donations include medicine (Page 1, project PH0004 for Sudanese Refugees living in Egypt).

Claim 10. Providing a Web site wherein a plurality of contributors can make a donation and wherein said donation includes cash (Page 1).

Claim 11. Smith teaches providing said information regarding the location of the delivery lot in response to a request from the contributor [0018]; [0019]. The motivation to combine the references would be to advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere.

Claim 12. Project for Hope teaches providing said Web site wherein a plurality of contributors can make a donation (Page 1).

Claim 13. Smith teaches said method wherein the location of the delivery lot is automatically (upon accessing said Web site) provided to the contributor [0018]; [0019]; [0050]. The motivation to combine the references would be to advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere.

Furthermore, Project for Hope teaches:

Claim 14. Communicating with a contributor over the e-mail (Page 7).

Claim 15. Said method wherein the delivery lot includes one type of goods or services (food) (Page 2, project PH0010 in South India).

Claim 16. Said method wherein the delivery lot includes two types of goods or services (food and medical supplies) (Page 2, project PH0007 for Argentina).

Claim 17. Said method wherein each donation is assigned to a unique delivery lot (project) (Pages 1-4).

Claim 18. Said method wherein two or more donations are assigned to a common delivery lot (Page 7 teaches that minimum accepted donation is \$20.00, while the least expensive delivery lot (project) listed is \$165.00 (PH0014 in North India, Page 2), thereby indicating a necessity to assign two or more donations to said delivery lot).

Claim 19. Smith teaches obtaining the location information of each delivery lot at one or more points in time each corresponding to different location [0018]; [0019]. The motivation to combine the references would be to advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere.

Claim 21. Smith teaches that each shipment is assigned a unique ID, and each contributor provides or selects the unique ID (invoice or transaction code) to receive the location information of the corresponding delivery lot [0042]. The motivation to combine the references would be to provide a secure access to the shipment information, thereby preventing fraudulent activity.

Claims 22-23 and 28. See reasoning applied to claim 20.

Claims 26. Project for Hope teaches that individuals can make a donation (First and Last name of the individual; Page 7).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Projects for Hope in view of Smith et al. and further in view of 1999 National Honorees; Complete List of Make a Difference Day Awards (Honorees).

Dependent Claim

Claim 27. Projects for Hope in view of Smith teaches all the limitations of Claim 27, except specifically teaching that said contributors include organization with organization members.

Honories, the Internet print out of www.usaweekend.com, appears to display a list of awards for charitable contributions made during the 8th annual Make A Difference Day organized on October 24, 1998 wherein the list includes an award to Wal-Mart for \$2,000 donation made by the company (Page 2, 3rd paragraph).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope in view of Smith to include that said contributors include organization with organization members, as disclosed in Honories,

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because it would advantageously allow to bring more funds to charity and organize employees of said organizations for making donations.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Projects for Hope in view of Smith et al. and further in view of O'Donnell et al. (US 2002/0013739).

Dependent Claim

Claim 29. Projects for Hope in view of Smith teaches all the limitations of Claim 29, except providing a *chat room*.

O'Donnell et al. (O'Donnell) teaches a method for shipping services in a network environment, and further including facilitating the making of anonymous donations, as well as facilitating chat rooms [0002]; [0146].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope in view of Smith to include providing chat rooms, as disclosed in O'Donnell, because it would advantageously promote said donations by allowing involved contributors to communicate in real time.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Projects for Hope in view of Smith et al. and further in view of Burke (US 6,876,971).

Independent Claim

Claim 30.

Project for Hope appears to teach a Web site wherein a plurality of contributors can make a donation including goods and/or services to individuals or organizations (Pages 1-4). Specifically, Project for Hope presents (displays) a list of delivery lots (projects) that need to be funded, each delivery lot (project) includes description of goods of services needed, funds necessary for each delivery lot (project), destination of each delivery lot (project) (Pages 1-4), and discloses means for accepting a selection of

one or more of the available delivery lots (projects) by the contributor, and donation thereto (Pages 7 and 9).

However, while Project for Hope indicates a "COMPLETED" status of a project (Page 2) thereby indicating completion of funding of said project, Project for Hope does not explicitly teach that said *completion of funding of said project* includes *sending a funded delivery lot once the delivery lot is fully funded*; and *obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot*; and *providing the location of the delivery lot to the contributor at one or more points in time*.

Smith teaches a method for tracking delivery items, including:

sending a delivery lot; and providing the location information of the delivery lot (shipment) to the contributor (shipper) at one or more points in time [0009]; [0018]; [0019]; [0050].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include *sending a delivery lot*, as disclosed in Smith, because it would advantageously allow to develop and realize capabilities of people to help each other throughout the world.

Burke teaches a method for facilitating the making of donations, wherein contributors are provided with opportunity to make donations at cash registers via electronic transfer (C. 2, L. 63-65), and wherein said electronic transfer of all contributions allocated to each charity is conducted after said contributions are accumulated until a sufficient amount is achieved to be acceptable by the recipient (C. 11, L. 17-25), thereby indicating "*fully funded*" feature.

It would have been obvious to one having ordinary skill in art the time the invention was made to modify Projects for Hope and Smith to include that said sent delivery lot (shipment) is *fully funded*, as disclosed in Burke, because it would advantageously assure donors that the contribution takes effect (Burke; C. 11, L. 21-22).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Episcopal Relief and Development; Projects for Hope in view of Price (US 2002/0120539) and further in view of Smith et al.

Independent Claim

Claim 32. Projects for Hope appears to teach a Web site wherein a plurality of contributors can make a donation including goods or services to individuals or organizations (Pages 1-4), wherein the donations are not initially designated as corresponding to any particular delivery lot (Page 7, Please use my donation for: Area of greatest need). Specifically, Project for Hope presents a list of delivery lots (projects), each delivery lot (project) includes description of goods of services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project) (Pages 1-4), Furthermore, Project for Hope provides means for receiving donations from contributors, and means for assigning the donation to the selected by the contributor delivery lot (project) (Pages 7 and 9).

Projects for Hope does not specifically teach *providing an indication to the contributor that indicates which delivery lot the contributor's donation has been assigned to by the assigning step*. Also, while Project for Hope teaches a "COMPLETED" status of a project (Page 2) thereby indicating a *reporting* step, Project for Hope does not explicitly teach that said *reporting* step includes *obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time*.

Price teaches a computer-implemented method for distributing charitable donations at point-of-sale terminals, wherein a provision is made to collect data (in an electronic format) regarding the distributed charitable donations necessary for the charitable organization to provide tracking and report generating capability to the donors [0035]; [0028, last three lines]. Specifically, the charitable organization will provide donors with access to the compiled transaction data of their respective charitable donations via a World Wide Web ("WWW") Site. In that instance, the Donor Interface

(123) comprises any means capable of accessing a WWW site, such as though an Internet connection. [0036].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include *providing an indication to the contributor that indicates which delivery lot the contributor's donation has been assigned to by the assigning step*, as disclosed in Price, because it would advantageously allow Donors to track their respective donations on the charitable organization's WWW site, and generate reports sufficient to satisfy I.R.S. reporting requirements, as specifically stated in Price [0036].

Smith teaches a method for tracking of the delivery of items, including:

obtaining the location of the delivery lot of goods (a physical object of all type) at one or more points in time; providing the location information of the delivery lot to the contributor (sender) [0009]; [0018]; [0019]; [0050].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope and Price to include *delivering said delivery lot*; and that said *reporting* step includes *obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot*; and *providing the location of the delivery lot to the contributor at one or more points in time*, as disclosed in Smith, because it would advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere, as specifically stated in Smith.

(10) Response to Arguments

Argument A.
Claims 10 and 20-23

(10-01) Applicant argues that the term "cash equivalent" was well known at the time the present application was filed, and that Claim Rejection under 35 U.S.C. 112, first paragraph, has to be removed.

In response to this argument the Examiner point out that a question what is "cash equivalent" never been raised. The point is that the specification does not provide any indication what particular financial mechanism except cash is used for the invention. A method of paying by electronic wire transfer would require different method steps and would require different type of apparatus than that one for paying by money order, and paying by cash would not require either method steps at all. Therefore, without providing the support in the specification for conducting payment by "cash equivalent", the Examiner considers that the specification does not contain full, clear, concise, and exact terms as to enable any person skilled in the art to make and use the invention.

(10-02) Applicant argues that a following limitation is supported by the specification: "receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to any particular delivery lot", and that Claim Rejection under 35 U.S.C. 112, first paragraph, has to be removed.

In response to this argument it is noted that Applicant relies on the following portion of the specification (page 3, lines 5-13):

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Once the donation is received, the organization may assign the donation to a delivery lot of cash, goods and/or services. This may be accomplished by, for example, making a resource request to the database. **The database may accumulate donations until the resource request is met.** The donations may be accumulated using an algorithm such as First-In-First-Out (FIFO), Last-In-Last-Out (LIFO), or any other suitable algorithm or method. In some cases, **donations totaling more than the resource request** may be assigned to a delivery lot to compensate for the overhead of the organization. The donations that have been accumulated to meet the resource request may then be updated to include a pointer or other reference to the assigned delivery lot (emphasis added).

As can be seen from this paragraph, *donations are accumulated in the database until the resource request is met.* The Examiner understands this as, if there is a specific request for a thousand dollars (for example) for a particular project registered with the system, the incoming donations are counted until the resource request is met (until said thousand dollars are accumulated). If the resource request is not received, and an amount needed is not known, how does one know at what point in time or upon reaching which amount the accumulation of funds in the database has to be terminated? Furthermore, the recited portion of the specification explicitly describes a situation when received donation may exceed the resource request, or required/known amount. As per underlined by Applicant last sentence of the paragraph, this text describes merely certain technicality of fails management in the database and does not affect the concept in question. Therefore, the Examiner maintains that the specification does not support: "...wherein *the two or more donations are not initially designated as corresponding to any particular delivery lot*", and that Claim Rejection under 35 U.S.C. 112, first paragraph, is proper.

Argument B.
Claims 1-26 and 28

1. *Claims 1-19, 24-26 and 28.*

(10-03) Applicant argues that Smith et al. does not teach "providing the location information to the contributor". Also, Applicant argues that sender in Smith et al. equates to the Projects for Hope organization, rather than a contributor.

In response to this argument, the Examiner points out that Smith et al. discloses providing the location information of the mailed item to the sender via a personal Web page [0009]; [0018]. Furthermore, Smith et al. teaches [0009]:

Thus, to keep track of the changes to the delivery status, the user has only to check his or her web page rather than inquire at the various companies or the postal service and/or sort through e-mail messages from them" (emphasis added).

and [0018]:

The table further includes an attachment field in which messages from the sender, postal service or other delivery company may be linked to the mail piece delivery status information.

Smith et al. explicitly differentiates between the sender (contributor in the instant invention), and a shipping service provider (the charitable organization). Clearly, the "sender" here equates to the contributor in Projects for Hope, not the Projects for Hope organization. And a shipping service provider in Smith et al. corresponds to the charitable organization in the instant invention.

2. *Claims 20-23.*

(10-04) Applicant argues that the Project for Hope reference does not teach or suggest the step of "receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to any particular delivery lot".

In response to this argument, the Examiner stipulates that the Projects for Hope explicitly teaches this feature. Specifically, Project for Hope teaches (Page 7): "Please use my donation for: Area of greatest need".

As can be seen from this phrase, while the contributor donates money (over the Internet), the contribution is not assigned yet to any of the presented for selection projects.

As per Applicant's argument that the Projects for Hope reference does not disclose "each contributor receiving the location of the delivery lot(s) that correspond to the contributor's donation(s)", this argument essentially repeats the argument discussed above. Therefore, the responses provided for the arguments above are equally applicable here.

Argument C.
Claim 27

(10-05) Applicant's arguments essentially repeat the arguments presented above; therefore, the responses presented by the Examiner above are equally applicable here.

Argument D.
Claim 29

(10-06) Applicant argues that O'Donnell et al. does not suggest "providing a chat room so that the contributors that provided donations to a common delivery lot can communicate with each other."

In response to this argument it is noted that O'Donnell et al. teaches a method for shipping services in a network environment, including facilitating the making of anonymous donations, as well as facilitating chat rooms [0002]; [0146]. Accordingly, O'Donnell et al. was applied to show the use of chat rooms in network environment. Incorporation of O'Donnell et al. chat room into the combination of Projects for Hope in view of Smith would yield predictable result.

Arguments E and F.
Claims 30 and 32.

(10-07) The remaining Applicant's arguments essentially repeat the arguments presented above; therefore, the responses presented by the Examiner above are equally applicable to the remaining arguments.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Conferees:

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